

THE SECRETARY OF STATE  
WASHINGTON

August 19, 1977

Dear Stan:

I have reviewed the role of certain non-intelligence officials in the preparation of the National Intelligence Estimate on the Law of the Sea that you recently called to my attention.

I was happy to learn that, whatever pressure may have been attempted, the intelligence people stuck to their judgments and the NIE was not changed.

I agree with you that policy officials should not bring pressure to try to influence the judgments in NIEs. I am sure that my people fully understand that, but I intend to have the Director of the Bureau of Intelligence and Research speak on this subject at one of my staff meetings.

Sincerely,

  
Cyrus Vance

The Honorable  
Stansfield Turner,  
Director of Central Intelligence.

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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Deputy for National Intelligence

MEMORANDUM FOR: Director of Central Intelligence

FROM: Robert R. Bowie  
Deputy to the DCI for National Intelligence

SUBJECT: Pressures from Non-Intelligence Components  
of the U.S. Government to Influence the  
Conclusions of NIE 2-1-77, Law of the Sea

1. Action Requested: That you review the attached letters and decide whether you wish to send them.

2. Background: In your conversation with Secretary Vance on 29 July, he asked about the improper pressure that had been brought to bear on the drafters of the NIE on the Law of the Sea. You agreed to draft a letter on this subject. Attached is the proposed letter and the back-up information prepared by those most closely involved in this incident.

In addition to the State Department official who appears to have overstepped the limits, there is a Department of Defense officer also involved. I note that he has now retired, but you might wish to consider calling this matter to Secretary Brown's attention. I have prepared a letter for your use should you wish to send it to him as well, or maybe you might mention it to him on your next visit and hand him the paper.

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Robert R. Bowie

Attachments

Letters to Secretary Vance  
and Secretary Brown

A/EO/DCI/NI (8 Aug 77)

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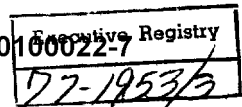
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10 AUG 1977

The Honorable Cyrus R. Vance  
The Secretary of State  
Washington, D.C.

Dear Cy,

In our conversation on 29 July, we discussed the pressure that had been brought to bear on the people writing the National Intelligence Estimate on the impact of failing to reach an agreement on the Law of the Sea. I am attaching a chronology prepared by the Chairman of the Estimate, [redacted] and a memorandum by the Estimate's drafter, [redacted] which summarize the difficulties.

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I know you agree that the integrity of the estimating process must remain unquestioned and that policy officials must recognize the impropriety of efforts to bring pressure to influence the content of Estimates.

I would be most appreciative if you would ensure that all policy officers of the Department of State fully understand the limits of their participation in the estimating process.

Yours,

/s/ Stansfield Turner

STANSFIELD TURNER

Attachments  
Two memoranda

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3 August 1977

MEMORANDUM FOR: Dr. Robert R. Bowie  
Deputy to the DCI for National Intelligence

25X1 FROM : [REDACTED]  
Chief, Environment and Resource  
Analysis Center, OGCR

SUBJECT : Problems with Non-Intelligence Officials in the  
Preparation of NIE 2-1-77: Law of the Sea

25X1 1. The following is a recount of the problems encountered  
with [REDACTED] Director, Office of the Law of the Sea,  
Department of State, and [REDACTED] Joint  
Chiefs of Staff Representative for Law of the Sea Matters, during  
the preparation of NIE 2-1-77.

a. Review by policy officials of the NIE draft before  
intelligence agency dissemination

In early June [REDACTED] Director of  
of the Law of the Sea Office, Department of State,  
requested that the first draft of the NIE be reviewed  
by US negotiators in New York before being sent to  
other intelligence agencies. This procedure was  
agreed to by the Chairman of the Estimate because it  
was felt that the negotiating team might have more  
factual information than did the Intelligence  
Community. The Chairman clearly pointed out, however,  
that final judgments in the Estimate would be made by  
the Intelligence Community.

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b. Policy officials attempt to influence the Intelligence  
Community's deliberations on the final draft

After the intelligence community representatives  
incorporated a number of the negotiating team's recommended  
factual changes into the draft NIE, a date was set for final  
cleanup of the draft and decisions on the several

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contentious issues. At [ ] request the cleanup session was postponed three working days so that he would have time to prepare his comments. [ ] and two others from outside the Intelligence Community attended the meeting.

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Though some of his points were accepted at the meeting, [ ] expressed strongly that he felt that the Estimate was too "anti-LOS Treaty" in tone. He specifically argued that the Key Judgments were unfairly worded and indicated that the State Department would reserve on certain judgments. This was done by [ ] in spite of the fact that a very competent State Department Intelligence and Research representative was present. In regard to the impact of no treaty on the movement of US Naval forces, [ ] showed irritation with the DIA representative when he agreed to certain wording. Some participants at the meeting felt that [ ] brought excessive pressure to bear on the DIA representative to change his views.

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c. Policy officials criticize intelligence representatives and seek to influence dissent on NIE

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Within 12 hours after the cleanup session [ ] the Joint Chiefs of Staff Representative for Law of the Sea Matters, who had been advised by [ ] of his failure to change the Judgments of the NIE, began exerting pressure on DIA. Since the Estimate did not conform entirely with DoD's arguments for attaining a comprehensive LOS Treaty, DIA was asked to dissent from the final version of the Estimate. The DIA representative who participated in the Estimate was criticized for his performance and calls were made to the Office of the DCI, apparently charging the Chairman of the Estimate with highhandedness.

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3. Attached is a memorandum of 18 July to you from [ ] which chronologically summarizes many of these events.

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[ ]

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Attachment:  
As stated.

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18 July 1977

MEMORANDUM FOR: Dr. Robert R. Bowie  
Deputy to the DCI for National Intelligence

25X1 FROM : [REDACTED]  
Deputy Director, Geographic and Cartographic Research

SUBJECT : Pressures from Non-Intelligence Components of the  
US Government to Influence the Conclusions of  
NIE 2-1-77: Law of the Sea

1. The following chronology summarizes the relationships that developed between the Intelligence Community on the one hand and policy or operating officials of the government on the other, with respect to the drafting and coordination of the NIE on Law of the Sea.

26 April 77: Dr. Robert R. Bowie, D/DCI/NI, informed the Intelligence Community that an NIE would be prepared on this subject in response to a request of Ambassador Richardson. [REDACTED] was designated chairman.

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9 June 77 : The Director of the Law of the Sea Office in the Department of State, [REDACTED] requested that we not provide the first draft of the NIE to other agencies until he, the US negotiating team in New York, and Ambassador Richardson had read the draft first. The chairman of the Estimate reluctantly acquiesced in this procedure, because he felt that with negotiations already under way in New York on the treaty, the negotiating team could not fail to have more factual information on the positions of various states than did the Intelligence Community. The chairman emphasized, however, that the Intelligence Community was responsible for making the judgments in the NIE. (See Attachment A, the chairman's 14 June memorandum to [REDACTED])

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17 June 77 : We received three fairly lengthy memoranda with detailed comments on the NIE first draft from [REDACTED] and members of the negotiating team (one from [REDACTED] himself; one from [REDACTED] a State Department international lawyer on the negotiating team; and one from the DoD representatives on the team, [REDACTED])

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25X1 20 June 77 : We distributed the first draft of the NIE, and  
copies of all three memoranda with comments from  
[redacted] and the negotiating team, to all the  
intelligence agencies and asked all representatives  
to review both the draft and the comments carefully.

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25X1 June 77 : Coordination meetings on the Estimate lasting two  
and one-half days took place. Every paragraph of the  
first draft was discussed in detail, and a substantial  
number -- but by no means all -- of the comments in  
the three memoranda from the State and DoD operating  
officials were incorporated into the text.

6 July 77 : A revised draft of the Estimate, called a Cleanup Draft,  
was issued, and a meeting to review this revised draft  
set for 8 July. Since this was a cleanup session, we  
did not feel that a lengthy review period should be  
necessary.

25X1 7 July 77 : [redacted] of State telephoned to say that he would  
not have time to prepare his comments on the cleanup  
draft for a meeting the following day. The chairman  
of the Estimate thereupon postponed the coordination  
meeting on the cleanup draft until 13 July.

8 July 77 : The chairman sent a memorandum to [redacted] of State 25X1  
which (a) confirmed the postponement of the cleanup  
meeting, (b) reiterated that the comments of all agencies  
and components of agencies not part of the Intelligence  
Community would be given a fair hearing, and (c) re-emphasized  
that the judgments made in the Estimate would be those of the  
Community. (This memorandum is appended as Attachment E.)

11 July 77 : We received lengthy written proposals from the Department  
of State for changes in the cleanup draft of the NIE,  
much briefer proposals for changes from the Departments  
of Treasury and Defense, and a few suggestions from the 25X1  
Federal Energy Agency. We provided copies of these proposed  
changes to the representatives of all the intelligence agencies  
(except NSA [redacted])

13 July 77 : The cleanup session on the Estimate lasted from 0900 hours  
until 1945 hours with a 45 minute lunch break. In addition 25X1  
to representatives of the Intelligence Community, there  
were in attendance a representative of the JCS, a repre-  
sentative of the Department of Commerce [redacted]

25X1 [redacted] and  
[redacted] of the Department of State. These non-intelligence



representatives were present with the full approval of the chairman. [ ] in particular participated fully in the discussions. He undoubtedly left the meeting feeling that he had lost many of his points, but most of the intelligence representatives in the course of the day clearly indicated that they were in disagreement with [ ] and that their views were correctly reflected in the Estimate.

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14 July 77 : [ ] Deputy Director for Estimates in DIA, telephoned the chairman of the NIE and informed him that DIA was being subjected to substantial pressure to dissent from the final draft of the Estimate. [ ] name was specifically mentioned in this connection. [ ] further stated that the performance of the individual who represented DIA in the coordination meetings on the Estimate was being criticized, and asked for the chairman's opinion of that individual's performance. The chairman responded that in his opinion the gentleman in question had performed effectively on the Estimate. The chairman urged [ ] to resist the pressure he was under and [ ] answered that he would do his best. The chairman then telephoned [ ] [ ] office to reiterate the view that the DIA representative on the Estimate had done an effective job.

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15 July 77 : [ ] who had on 13 July represented the Department of Commerce on the Estimate (as a participant in the discussions but not a "voting member" since Commerce is not part of the Intelligence Community) telephoned to tell the chairman that unnamed people had complained to his superiors that [ ] had not done a good job.

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15 July 77 : The chairman of the Estimate was informed by Dr. Bowie that [ ] of State had both been in contact with the Office of the DCI to discuss the NIE.

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2. In summary, I think the above record shows that the chairman of this NIE has not acted in a high-handed manner and that he has made every effort to give full consideration to all views. I think further that the pressure from non-intelligence elements of the government to influence the Intelligence Community's judgments in this Estimate, has passed acceptable bounds.

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Next 1 Page(s) In Document Exempt